

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 862 - HB 1110

March 11, 2013

SUMMARY OF BILL: Establishes a \$500 fine to be imposed on a defendant convicted of a domestic assault, if the local law enforcement agency can prove the agency has responded to a domestic disturbance instigated by the defendant on more than one occasion. Proceeds from these fines may not be used to supplement the local general fund, but shall be designated to enhance law enforcement's response to domestic violence, and for funding a family safety center or shelter for victims, as determined by ordinance or resolution of the local governing body. Requires local law enforcement to establish a means of accurately determining the jurisdiction in which a domestic violence call is answered, and to provide such data to the court prior to sentencing. Requires the local court clerk to collect the fines and disburse such revenue to the local government at least quarterly.

ESTIMATED FISCAL IMPACT:

Increase Local Revenue – Exceeds \$107,200

Increase Local Expenditures – Exceeds \$107,200/Permissive

Assumptions:

- According to the Administrative Office of the Courts, this bill will not fiscally impact the Agency.
- Any vote required of the local legislative body can be accomplished at a regularly scheduled meeting.
- Based on responses to the 2012 Local Government Survey conducted by the Fiscal Review Committee, participating county officials reported 429 repeat domestic violence offenders are housed annually in county jails.
- The number of repeat domestic violence offenders is assumed to average 429 per year into perpetuity.
- All local law enforcement agencies currently have access to the National Crime Information Center (NCIC) database. The NCIC database maintains information relative to arrests of persons for certain offenses, including domestic violence. This database will be used by local law enforcement agencies to establish the jurisdiction in which the domestic violence call was answered without increasing current expenditures of the law enforcement agency and local government.

- Local law enforcement agencies provide evidence for at least 50 percent of repeat offenders.
- The recurring increase in local government revenue is estimated to exceed \$107,250 [(429 repeat offenders x 50% fined) x \$500]. Such revenue will be earmarked and expended for improving local law enforcement response to domestic violence, or for family safety centers or shelters as determined by the local legislative body. Therefore, a subsequent recurring increase in local expenditures estimated to exceed \$107,250. Such expenditures are considered permissive due to the local governing body being required to pass an ordinance or resolution approving such expenditures for the stated purposes.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

/jrh